

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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OWEN R. PETERSON,

Plaintiff,

ORDER

v.

09-cv-0056-bbc

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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On June 8, 2009, the magistrate judge granted the motion of Attorney Dana Duncan to withdraw as plaintiff's attorney. He gave plaintiff until July 20, 2009 in which to retain new counsel and indicated that if no lawyer filed a notice of appearance by that date, plaintiff would have to proceed *pro se*. It is now August 11, 2009 and no lawyer has filed a notice of appearance. Accordingly, I must conclude that plaintiff is proceeding *pro se*.

The briefing schedule is as follows:

Plaintiff's brief in support of his challenge to the commissioner's decision is due on September 14, 2009.

The commissioner's brief in response is due October 14, 2009.

Plaintiff's brief in reply to the commissioner's brief is due October 28, 2009.

In his brief, plaintiff should identify which findings made by the administrative law judge he is challenging. The administrative law judge's decision can be found in the administrative record at pages 15-23. Further, plaintiff should cite to the evidence in the

record and show how it supports his contention that the administrative law judge erred in denying him disability benefits. If plaintiff fails to submit his brief in support of his claim by September 14, 2009, this action will be dismissed for his failure to prosecute it.

ORDER

IT IS ORDERED that plaintiff may have until September 14, 2009, to submit a brief in support of his claim that he is entitled to receive disability benefits. The commissioner's brief in response is due October 14, 2009. Plaintiff's reply brief is due October 28, 2009. Plaintiff's failure to submit a brief in support of his claim will result in dismissal of this action for failure to prosecute.

Entered this 11<sup>th</sup> day of August, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge